

REFERENCE TITLE: police tools; criminal suspects; immunity

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SCR 1018

Introduced by
Senators Martin: Harper

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
IMMUNITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to immunity for the lawful use of police
5 tools, is enacted to become valid as a law if approved by the voters and on
6 proclamation of the Governor:

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-716; RELATING TO IMMUNITY.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes, is amended by adding section 12-716, to read:

12-716. Nonliability for damages that result from use of police tools

A. IN ANY CIVIL ACTION, A VICTIM, A LAW ENFORCEMENT OFFICER, THE STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE OR A MANUFACTURER OF TOOLS THAT ARE USED TO APPREHEND A SUSPECT IS NOT LIABLE FOR DAMAGES THAT A PLAINTIFF INCURS IF THE PLAINTIFF IS HARMED AND THE PLAINTIFF WAS REASONABLY SUSPECTED OF HAVING COMMITTED A FELONY.

B. THIS SECTION DOES NOT APPLY IF A LAW ENFORCEMENT OFFICER, THE STATE OR POLITICAL SUBDIVISION EMPLOYING THE LAW ENFORCEMENT OFFICER, A MANUFACTURER OF POLICE TOOLS OR A PROVIDER THAT PROVIDED TRAINING IN THE USE OF POLICE TOOLS WAS GROSSLY NEGLECTFUL OR ENGAGED IN INTENTIONAL MISCONDUCT.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.